

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

_____	)	
ANDREW BADER,	)	
	)	
Plaintiff,	)	Civil Action
	)	No.:
v.	)	
	)	
JAMES WATSON and	)	
PHYLIS NIXON BOSOMWORTH,	)	
	)	
Defendants.	)	
_____	)	

**NOTICE OF REMOVAL**

PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. §1332, 1441, 1446 and Rule 81.1 of the Local Rules for the United States District Court, District of Massachusetts, Defendants, James Watson and Phylis Nixon Bosomworth, through their undersigned counsel, submits this Notice of Removal in the above-captioned action. As grounds for this notice, Defendants state as follows:

1. Plaintiff commenced this action on or about May 16, 2023 by filing a Complaint and Jury Demand (“Complaint”) in the Massachusetts Superior Court for Worcester County, *Andrew Bader v. James Watson and Phylis Nixon Bosomworth*, Civil Action No.: 2385CV531-B.
2. Defendants were served with the Complaint on June 8, 2023. This action is now pending in the Worcester County Superior Court. Copies of the Complaint, with attached exhibits, and other Superior Court documents served on ECHO are attached hereto as Exhibit A.

3. This Notice of Removal is being filed within thirty days of service of the Complaint as required by 28 U.S.C. §1446(b).
4. The State Court Action is a civil action over which this Court has original jurisdiction under 28 U.S.C. §1332 and is one which may be removed to this Court by Defendants under 28 U.S.C. §1446 in that there is complete diversity of citizenship and the amount in controversy exceeds the jurisdictional threshold of \$75,000.
5. In this regard, Plaintiff is an individual who resides in Milford, Massachusetts.
6. Defendants are individuals who both reside in Elizabeth City, North Carolina.
7. Furthermore, the amount in controversy in this matter exceeds \$75,000 because Plaintiff seeks relief against Defendants in excess of the Plaintiff's medical bills as stated on the civil cover sheet in Exhibit A are \$127,925.81 and rising.
8. This Notice of Removal is being filed in the District of Massachusetts, the district court of the United States for the district within which the State Court Action is pending, as required by 28 U.S.C. §§ 1446(a) and 1441(a).
9. Upon filing of this Notice of Removal, Defendants shall give written notice thereof to Plaintiff, and shall file a certified copy of this Notice of Removal with the Clerk of the Worcester County Superior Court.
10. Pursuant to 28 U.S.C. §1446(a) and (c) and Local Rule 81.1, within twenty eight [28] days of filing this Notice of Removal, Defendants will ensure filing with this Court of certified copies of all records and proceedings in the State Court action.
11. This Notice of Removal is signed pursuant to Rule 11 of the Federal Rules of Civil Procedure, as required by 28 U.S.C. §1446(a).

12. By filing this Notice of Removal, Defendants do not waive any defenses available to them, jurisdictional or otherwise.

WHEREFORE, Defendants respectfully requests that this action proceed in this Court as an action properly removed.

Respectfully submitted,  
Defendants  
By its attorneys,

/s/ David S. Smith  
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Dated: June 16, 2023